

TOWN OF CLAREMONT

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PROPOSED AMENDMENTS
TO THE
ORDINANCES OF THE TOWN OF CLAREMONT
TO IMPLEMENT THE
CHESAPEAKE BAY PRESERVATION ACT

FEBRUARY, 1991

US Department of Commerce
NOAA Coastal Services Center Library
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"SUPPORT FOR THIS PROJECT WAS FURNISHED IN PART BY THE VIRGINIA COUNCIL ON THE ENVIRONMENT AND GRANT NUMBER NA89AA-D-CZ134 FROM THE COASTAL ZONE MANAGEMENT PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION."

PROPOSED AMENDMENTS TO ARTICLE 1 - DEFINITIONS
OF THE ZONING ORDINANCE OF CLAREMONT, VIRGINIA

- 1-2A. Agricultural Lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.
- 1-8A. Best Management Practices (BMPs): A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
- 1-12A. Caliper: The diameter in inches of a tree trunk measured six inches above ground level for nursery stock.
- 1-13A. Chesapeake Bay Preservation Area (CBPA): Any land designated by the Town of Claremont pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area (CBPA) shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).
- 1-13B. Construction footprint: The area of all impervious surface, including but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.
- 1-16A. Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.
- 1-16B. Diameter at Breast Height (DBH): The diameter of a tree measured outside the bark at a point 4.5 feet above ground.
- 1-17A. Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

- 1-35A. Highly erodible soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, as defined by the "Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope, length and steepness; and T is the soil loss tolerance.
- 1-35B. Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.
- 1-37A. Hydric soil: Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, which are saturated for usually one week or more during the growing period and have the capacity to support hydrophytic vegetation.
- 1-37B. Impervious cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.
- 1-38A. Land disturbance/land disturbing activity: Refer to Section 4.9 of the Erosion and Sediment Control Ordinance for Claremont.
- 1-50A. Nonpoint source pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.
- 1-50B. Noxious weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

- 1-55A. Plan of Development: The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia (Chesapeake Bay Preservation Act) and this Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.
- 1-55B. Planning Director: The Surry County Planning Director.
- 1-58A. Redevelopment: The process of developing land that is or has been previously developed.
- 1-58B. Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.
- 1-58C. Resource Protection Area (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
- 1-58D. Resource Protection Area (RPA) Buffer: A 100-foot wide area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbances.
- 1-58E. Resource Protection Area Delineator (RPA Delineator): A person trained in wetland ecology, botany, agronomy, hydrology and/or related fields with experience delineating tidal and non tidal wetlands.
- 1-77A. Tidal shore or Shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.
- 1-77B. Tidal Wetlands: The vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.
- 1-78A. Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

1-82A. Water-dependent facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

1-82B. Wetlands: All tidal and nontidal wetlands.

PROPOSED AMENDMENT CREATING
ARTICLE 6A OF THE ZONING ORDINANCE
OF CLAREMONT, VIRGINIA

ARTICLE 6A
CHESAPEAKE BAY PRESERVATION DISTRICT

6A-1. Purpose of the District

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Claremont and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Claremont's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Board of Supervisors as Chesapeake Bay Preservation Areas ("CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in Claremont and the Commonwealth of Virginia.

It is the purpose of this Article to support the goals and objective of the Chesapeake Bay Preservation Act and the Claremont Comprehensive Plan by protecting and improving the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The intent of this Article is to:

- protect existing high quality state waters;

- restore all other state waters to a condition of quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
- safeguard the clean waters of the Commonwealth from pollution;
- reduce existing pollution;
- promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Claremont.

The requirements contained herein establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration within the Chesapeake Bay Preservation Areas. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

Additionally, these regulations are intended to prevent a net increase in nonpoint source pollution from new development, achieve a ten percent (10%) reduction in nonpoint source pollution from redevelopment, and achieve a forty percent (40%) reduction in nonpoint source pollution from agricultural uses.

6-2. Application of the District

The CB Chesapeake Bay Preservation District is created as a special district to be superimposed on other districts contained in these regulations. The requirements of this Article shall apply to all lands identified as RPAs and RMAs on maps adopted by the Town Council on file in the Surry County Planning Department.

6-2-1. The RPA includes:

- (A) Tidal wetlands;
- (B) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;

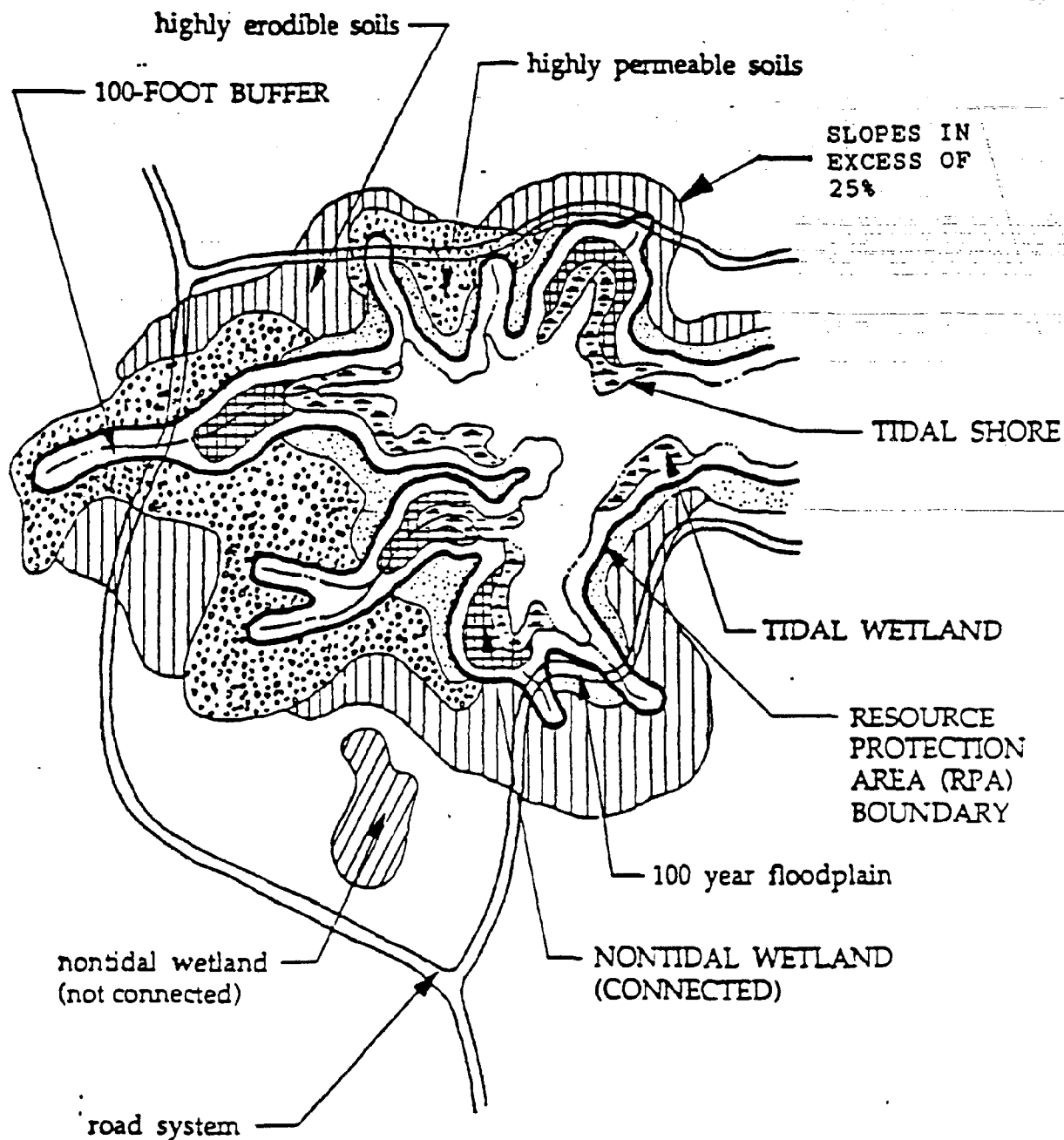
(C) Tidal shores;

(D) Slopes greater than 25 percent;

(E) A 100-foot vegetated buffer area located adjacent to and landward of the components listed above, and along both sides of any tributary stream.

6-1-2. The RMA includes land areas _____ feet landward of the RPA which are characterized by environmentally sensitive features such as floodplains, highly erodible soils, slopes less than 25 percent or less, highly permeable soils and nontidal wetlands outside of the RPA.

RPA COMPONENTS



NOTE: items in lower case letters indicate the feature that the symbol depicts.
 ITEMS IN UPPER CASE LETTERS INDICATE THE FEATURE
 MUST BE MAPPED AS AN RPA FEATURE

6-3. Resource Protection Area

6-3-1. Interpretation of RPA Boundaries

The site specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment conducted by a RPA Delineator. The RPA Delineator shall use the adopted map as a guide to the general location of an RPA. The RPA Delineator shall examine lands adjacent to the subject property to the extent necessary to determine if any part of the full 100-foot landward vegetated buffer must be delineated on the subject property.

6-3-2. Where Conflicts Arise Over Delineation

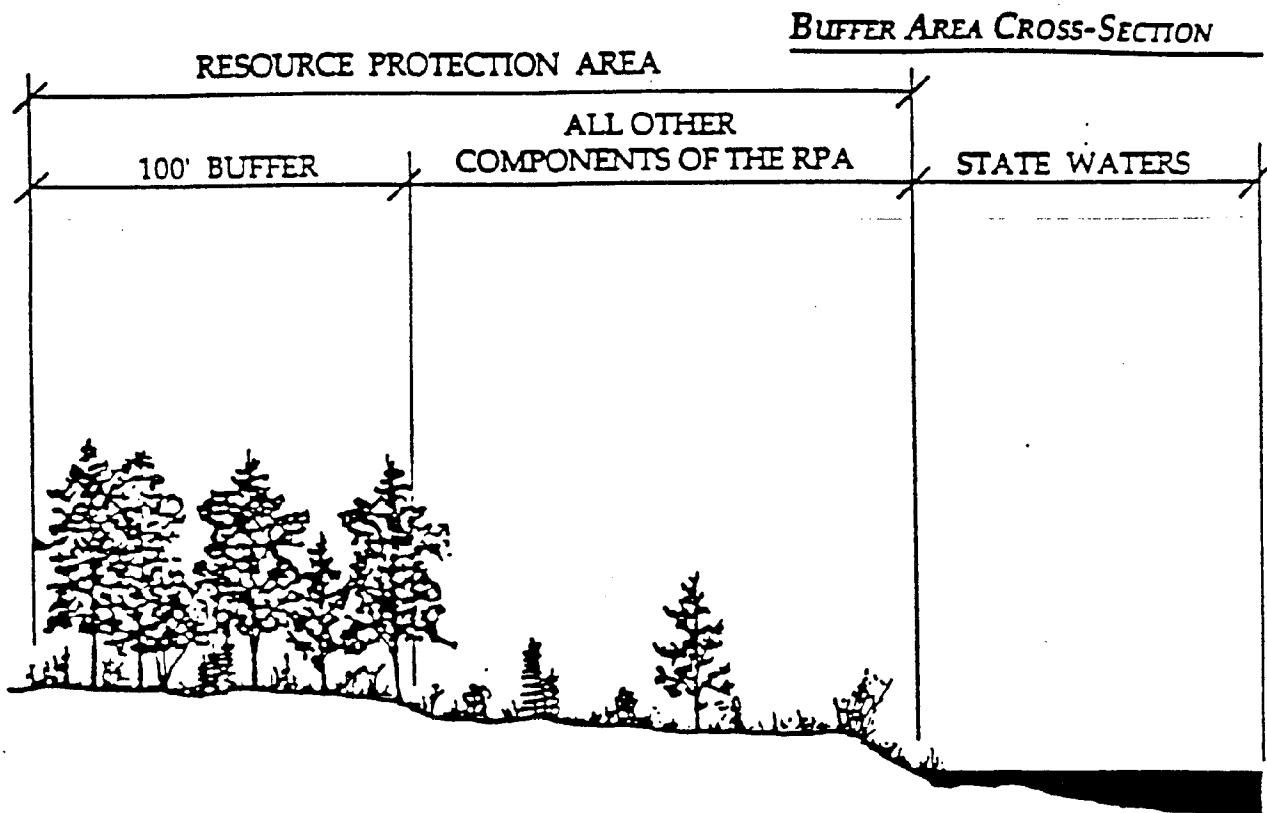
Where the applicant has provided a site-specific delineation of the RPA, the Planning Commission will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Planning Commission may render adjustments to the applicant's boundary delineation based upon the recommendation of the Planning Director, in accordance with this Article and the Subdivision Ordinance of Claremont. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief from the Claremont Board of Zoning Appeals in accordance with Article 9 to determine the boundary delineation.

6-3-3. Use and Lot Size Provisions for Lands Within the RPA

- (A) Development within the RPA is limited to new water-dependent facilities, expansion of existing water-dependent facilities and redevelopment.
- (B) The above mentioned uses within the RPA must be in compliance with the intent and purpose of the Comprehensive Plan and comply with the performance standards of this Article of the Zoning Ordinance.
- (C) All newly created lots intended for human activity and use shall have sufficient area landward of the RPA to accommodate intended non-water-dependent land uses and all non-water-dependent components of water-dependent facilities.
- (D) Access, utilities or other land disturbance necessary to serve water-dependent facilities shall be kept to a minimum with a single point of access where possible.

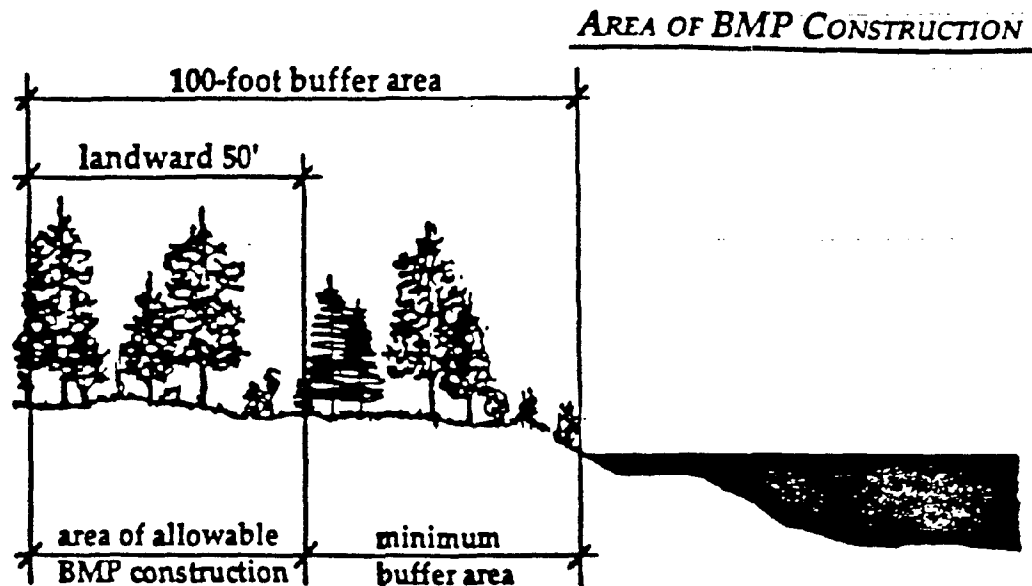
6-3-4. RPA Buffer Area Requirements

- (A) To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

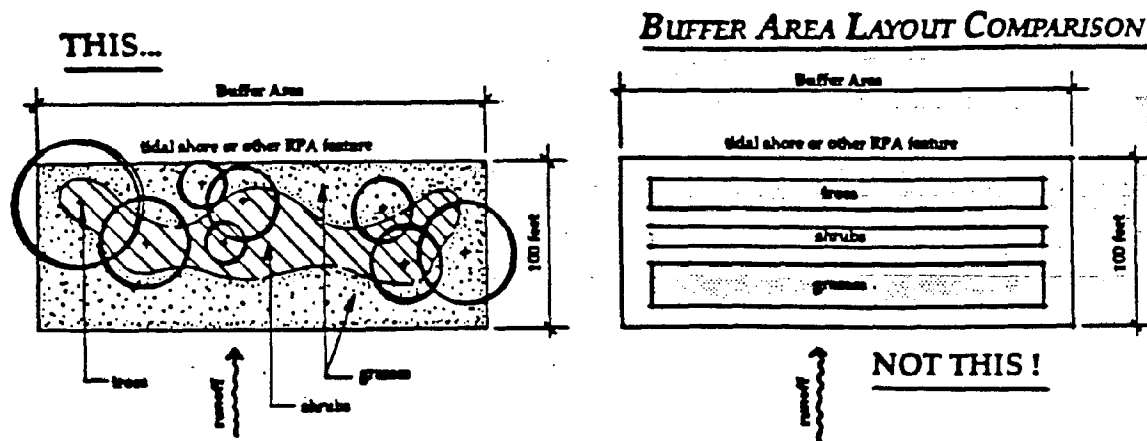


- (B) The RPA buffer shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA.
- (C) The 100-foot RPA buffer shall be deemed to achieve a 75 percent (75%) reduction of sediments and a 40 percent (40%) reduction of nutrients.

- (D) A combination of a buffer area not less than 50 feet in width and appropriate Best Management Practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area may be employed in lieu of the 100-foot buffer provided that it is approved by the Planning Commission with benefit of the comments of the Planning Director after review of the water quality impact assessment.

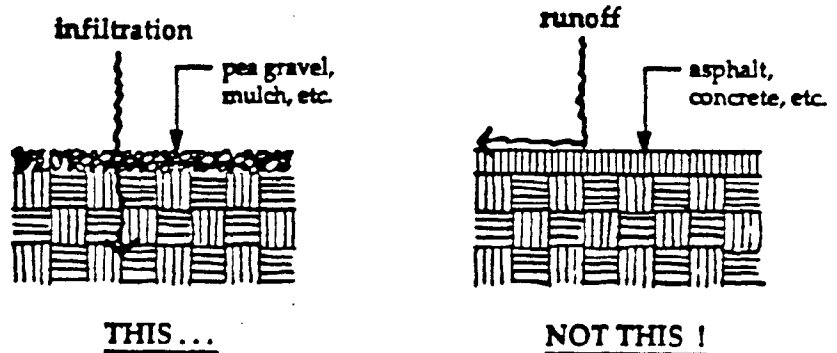


- (E) The RPA buffer shall be maintained in accordance with the following performance standards:
- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, if authorized by the Planning Commission, on a case-by-case basis, upon presentation of documentation that the RPA buffer will still function in a manner that protects water quality. Such vegetation shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.



- (2) Trees may be pruned only as necessary to provide for sight lines and vistas.
- (3) Any path shall be constructed and surfaced so as to effectively control erosion.

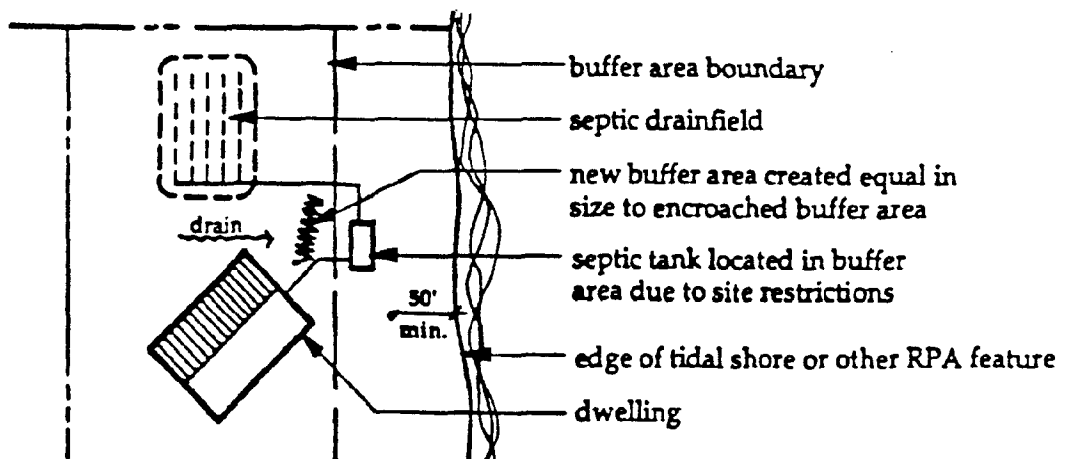
ACCESS PATH CONSTRUCTION



- (4) Dead, diseased, or dying trees or shrubbery may be removed and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.

- (5) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline, in accordance with the best available technical advice subject to the issuance of all required permits.
- (F) When the application of the RPA buffer would result in the loss of a buildable area on a lot or parcel legally created prior to October 1, 1989 as certified by the Claremont Zoning Administrator, the Planning Commission may modify the width of the buffer area in accordance with the following criteria:
- (1) Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - (2) Where possible, an area equal to the area encroaching within the buffer area shall be established elsewhere on the lot or parcel in a way which will maximize water quality protection; and
 - (3) In no case shall the buffer area be reduced to less than 50 feet in width.

MODIFICATION TO BUFFER AREA WIDTH



(G) On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:

- (1) To a minimum width of 50 feet when the adjacent land is implementing an agricultural best management practices program funded by the federal, state, or local government, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area;
- (2) To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the Peanut Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Section.
- (3) The buffer area is not required along agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the Peanut Soil and Water Conservation District.

(H) County-Provided Compliance Assistance Relating to Single Family Home Construction/Modification

The Planning Director, when requested by an applicant wishing to construct a single family residence in a Chesapeake Bay Preservation Area, will prepare, for a fee, the submittal materials required by Sections 6A-5-2. to 6A-5-5. as well as delineate the RPA boundary.

(I) RPA Signs

When development occurs adjacent to an RPA boundary, the applicant shall install or mount signs indicating the location of the RPA limits. Signs, which are available from the Zoning Administrator, shall be positioned within 300 feet of each other and/or where an RPA boundary line crosses a property line.

- 6A-4. Performance Standards for All Development and Redevelopment
- 6A-4-1. All development and redevelopment shall be subject to applicable provisions of the Subdivision Ordinance of Claremont, the Erosion and Sediment Control Ordinance, and the Zoning Ordinance of Claremont.
- 6A-4-2. No more land shall be disturbed than is necessary to provide for the desired use or development. The construction footprint shall not exceed 60 percent (60%) of the site.
- 6A-4-3. All land development shall minimize impervious cover consistent with the use or development allowed.
- 6A-4-4. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed.
- 6A-4-5. All on-site sewage disposal systems not requiring an NPDES permit shall be pumped out at least once every five years.
- 6A-4-6. For new construction, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, and which lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building shall be prohibited on the area of all sewage disposal sites which are in use or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
- 6A-4-7. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices.
- (A) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover for Virginia's Chesapeake Bay watershed;
- (B) For isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Planning Commission may waive or modify this requirement for redevelopment sites that

originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

- (1) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
 - (2) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
 - (3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Planning Commission may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required by Town Council to ensure compliance with this Article.
- (C) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- (D) For single family dwellings on lots of one acre or greater in size, stormwater runoff calculations are not required since they are typically characterized by post-development runoff within acceptable ranges.

6A-4-8. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Planning Commission, in accordance with this Article and the Subdivision Ordinance of Claremont.

6A-4-9. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by January 1, 1995.

6A-5. Submission Requirements

6A-5-1. Plan of Development

Any development or redevelopment exceeding 2500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, unless the Planning Commission, with benefit of the review comments of the Planning Director, determines that due to the scope and nature of the proposed development certain of the required information is unnecessary. The submittal requirements of Sections 6A-5-1. to 6A-5-6., as required, shall constitute a complete site plan submittal for land disturbance activities associated with individual one- and two-family dwellings. Site plan submission requirements for commercial, industrial and multi-family dwellings shall comply with the submittal requirements of 6A-5-1. to 6A-5-7. Administration of the plan of development process for other development or redevelopment activities shall be in accordance with this Article for site plans, and the Subdivision Ordinance of Claremont for subdivision plats. The Planning Director shall be provided with two (2) sets of plans and accompanying materials for review. The Planning Director shall review the plans for compliance with this Article and return a marked up set with recommendations to the Claremont Planning Commission within thirty (30) days. The following plans or studies shall be submitted, unless otherwise provided for, to accompany a site plan or subdivision plat:

6A-5-2. Environmental Site Assessment

An environmental site assessment shall be submitted in conjunction with a preliminary site plan or preliminary subdivision plat approval application.

(A) The environmental site assessment shall be drawn to scale on the submitted plan of development for one- and two-family dwellings, preliminary site plans and subdivision plats clearly delineating the following components:

- (1) Tidal wetlands;
- (2) Tidal shores;
- (3) Nontidal wetlands in RPA;
- (4) Slopes greater than 25 percent;

- (5) A 100-foot buffer area located adjacent to and landward of the components listed in subsections a through c above, and along both sides of any tributary stream;
- (6) Nontidal wetlands in RMA;
- (7) Hydric soils;
- (B) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.
- (C) The environmental site assessment shall be drawn at the same scale as the site plan or subdivision plan, and shall be certified as complete and accurate by a RPA Delineator competent to make the inventory. This requirement may be waived by the Planning Commission when the proposed use or development would result in less than 5,000 square feet of disturbed area.

6A-5-3. Landscape Plan

A landscape plan, as described below, shall be submitted in conjunction with a site plan or preliminary subdivision plat approval application. No clearing or grading of any lot or parcel shall be permitted without an approved landscape plan. Landscape plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

(A) Contents of the Plan

- (1) The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site 6 inches or greater in diameter at breast height (DBH) shall be shown on the plan, or where there are groups of trees, the woodlines of the group may be outlined instead. The specific number of trees 6 inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and woodlines to be changed to create desired and necessary impervious cover shall be clearly delineated on the plan.

- (2) Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscape plan.
- (3) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMPs, as provided for in this Article, shall be shown on the landscape plan. Vegetation required by this Article to replace any existing trees within the buffer area shall also be shown on the plan.
- (4) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscape plan.
- (5) The landscape plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (6) The landscape plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

(B) Plant Specifications

- (1) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- (2) All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- (3) Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of 2

planted trees to 1 removed. Replacement trees shall be a minimum 2-1/2 inches caliper measured at breast height at the time of planting.

(C) Maintenance

- (1) The applicant shall be responsible for the maintenance, repair, and replacement of all vegetation as may be required by the provisions of this Article.
- (2) In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

6A-5-4. Stormwater Management Plan

A stormwater management plan shall be submitted as part of the plan of development process required by Section 6A-5. in conjunction with site plan or subdivision plat approval. This submittal is not required for individual one- and two-family homes located on lots one acre or greater in size if the impervious cover is 16% or less of the total site area.

(A) Contents of the Plan

At a minimum, the stormwater management plan shall contain the following:

- (1) Location and design of stormwater control devices and BMPs.
- (2) Procedures for implementing nonstructural stormwater control practices.
- (3) Pre- and post-development nonpoint source pollution loadings with supporting documentation of all utilized coefficients and calculations.
- (4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.

- (B) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Claremont, then a maintenance agreement shall be executed between the responsible party and the Town.

6A-5-5. An erosion and sediment control plan in accordance with the Erosion and Sediment Control Ordinance of Claremont.

6A-5-6. Water Quality Impact Assessment

- (A) A water quality impact assessment is require for:

- (1) Any proposed development or redevelopment within an RPA, including any buffer area modification or reduction.
- (2) Any proposed development or redevelopment within an RMA when deemed necessary by the Planning Commission due to the unique characteristics of the site (such as the topography, soils, ground cover, location of wetlands and tidal shores) or the intensity of the proposed development.

- (B) The purpose of the water quality impact assessment is:

- (1) to identify the impacts of proposed development on water quality and lands within an RPA and other environmentally sensitive lands;
- (2) to ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;
- (3) to protect individuals from investing funds for improvements proposed for a location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and to specify mitigation which will address water quality protection.

(C) The water quality impact assessment shall be certified as complete and accurate by a professional engineer or other individual with demonstrated competence satisfactory to the Planning Commission.

(D) Minor Water Quality Impact Assessment

A minor water quality impact assessment pertains only to development within CBPAs which causes no more than 5,000 square feet of land disturbance and requires a modification or reduction of the landward 50 feet of the 100-foot buffer area. A minor assessment must demonstrate through acceptable calculations that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:

- (1) Location of the components of the RPA on site or within 100 feet of the site, including the 100-foot buffer area;
- (2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
- (3) Type and location of proposed best management practices to mitigate the proposed encroachment.

(E) Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development which exceeds 5,000 square feet of land disturbance within CBPAs and requires any modification or reduction of the landward 50 feet of the 100-foot buffer area; disturbs any portion of any other component of an RPA or disturbs any portion of the buffer area within 50 feet of any other component of an RPA; or is located in an RMA and is deemed necessary by the Planning Commission. The submittal requirements in this Article shall be considered a minimum, unless the Planning Commission determines that some of the elements are unnecessary due to the scope and nature

of the proposed use and development of land. The following elements shall be included in the preparation and submission of a major water quality assessment which accompanies a site plan or subdivision application:

- (1) All information required as part of a minor water quality impact assessment;
- (2) The identification of the existing characteristics and conditions of sensitive lands as components of the CBPA, as defined herein;
- (3) The identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships;
- (4) A hydrogeological study which describes the existing topography, soils, hydrology and geology on the site and adjacent lands, and indicates the impacts of the proposed development on these features as well as the following:
 - (a) disturbance or destruction of wetlands and justification for such action;
 - (b) disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other waterbodies;
 - (c) disruptions to existing hydrology including wetland and stream circulation patterns;
 - (d) source location and description of proposed fill material;
 - (e) location of dredge material and location of dumping area for such material;
 - (f) location of an impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
 - (g) estimation of pre- and post-development pollutant loads in runoff;

- (h) estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
- (i) percent of site to be cleared for project;
- (j) anticipated duration and phasing schedule of construction project;
- (k) the proposed mitigation measures associated with potential hydrogeological impacts which may include minimizing cut and fill, a proposed stormwater management system, the creation of wetlands to replace those lost, and the use of erosion and sediment control concepts such as minimizing the extent of cleared areas, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, and the implementation of a comprehensive site inspection program;
- (l) a listing of all requisite permits from all applicable agencies necessary to develop the project.

(F) Evaluation Procedure

- (1) Upon the completed review of a minor water quality impact assessment, the Planning Commission will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
 - (a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - (b) Impervious surface is minimized;
 - (c) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - (d) The development, as proposed, meets the purpose and intent of this Article;

- (e) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the Planning Commission will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria:
- (a) Within any RPA, the proposed development is water-dependent;
 - (b) The disturbance of wetlands will be minimized;
 - (c) The development will not result in significant disruption of the hydrology of the site;
 - (d) The development will not result in significant degradation to aquatic vegetation or life;
 - (e) The development will not result in unnecessary destruction of plant materials on site;
 - (f) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
 - (g) Proposed stormwater management concepts are adequate to control the storm water runoff to achieve the required standard for pollutant control;
 - (h) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
 - (i) The design and location of any proposed drainfield will be in accordance with the requirements of Section 6A-4.;

- (j) The development, as proposed, is consistent with the purpose and intent of this Article;
 - (k) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) The Planning Commission shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Planning Commission based on the criteria herein.
 - (4) The Planning Commission shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Planning Commission based on the criteria herein.
 - (5) A landscaping plan
 - (6) A wastewater study which:
 - (a) includes calculations and locations of anticipated drainfield or wastewater irrigation areas;
 - (b) provides justification for sewer line locations in environmentally-sensitive areas, where applicable, and describes construction techniques and standards;
 - (c) discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;
 - (d) describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

6A-5-7. Supplemental Submittal Requirements for Commercial, Industrial, and Multi-Family Site Plans

(A) Preliminary Site Plans

The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

- (1) The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer, or landscape architect, and the developer.
- (2) The northpoint, scale, and date.
- (3) Location of the project by an insert map at a scale of not less than one inch equals two thousand feet, indicating the scale, the north arrow, and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, and magisterial districts or other landmarks sufficient to clearly identify the location of the location of the property.
- (4) Existing zoning and zoning district boundaries and proposed changes in zoning, if any.
- (5) The boundaries of the property involved, county or municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.
- (6) Uses of adjoining properties and names of owners.
- (7) Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review of the project or proposal.
- (8) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.

- (9) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
- (10) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
- (11) Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height of all proposed buildings and structures, accessory and main, or major excavations.
- (12) Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
- (13) General location, height, and material of all fences, walls, screen planting, and landscaping.
- (14) General location, character, size, height, and orientation of proposed signs.
- (15) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.
- (16) If located in a Chesapeake Bay Preservation Area, the delineation of an RMA, RPA and RPA buffer area; the delineation of a primary and reserve sewage disposal site, if applicable; as well as the information specified in Section 6A-5-2. of this Article.

The Planning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in

more than one sheet, match lines shall indicate where the several sheets joint. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the approving authority. Site plans shall be prepared to a scale of one inch equals fifty feet, or such other scale as may be approved by the Planning Commission as appropriate to a particular case.

(B) Final Site Plans

The final site plan shall show the following:

- (1) All of the features required on the preliminary site plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.
- (2) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.
- (3) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of Claremont indicating the location sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system. Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- (4) Existing topography with two-foot contour intervals or such intervals as approved by the Planning Commission. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.
- (5) Proposed finished grading by contours supplemented where necessary by spot elevations.

(6) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the nearest one hundredth of a foot; and all bearings in degrees, minutes, and seconds to the nearest ten seconds.

(7) The delineation of an RMA, RPA and RPA buffer area as well as a primary and reserve sewage disposal site, if applicable.

(C) Procedure for Approval of Site Plans

(1) Five copies of a preliminary site plan or plans shall be filed with the Planning Commission. The preliminary site plan shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Commission.

(2) Approval by the Planning Commission of a preliminary site plan shall be valid for a period of one year. A final site plan shall be prepared and filed with the Planning Commission and shall comply with the specifications of this Article and applicable laws, regulations, and ordinances governing development of land. Permits shall be issued in accord with the approved and filed plat. All wetland permits required by law and all necessary maintenance agreements ensuring proper maintenance of best management practices must be on file with the Planning Commission before the final plan is approved.

(D) Amendments and Additions to Site Plans

The procedure for amendment of approved site plans shall be the same as for a new application, except that minor amendments of an approved site plan may be approved by the Planning Commission authorizing its Chairperson to initial the change on the plan. A change may be made provided it:

(1) Does not alter a recorded subdivision plat,

(2) Does not conflict with the specific requirements of this Ordinance,

(E) Revocation of Permits

No permit shall be issued for any structure in any area covered by a site plan under this Article except in conformity to such plan which has been duly approved. Permits may be revoked by the Town for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

(F) Approval and Extension

Approval of final site plan submitted under the provisions of this Article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Planning Commission within ninety days before the expiration of the approved site plan. The Planning Commission shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

6A-6. Installation and Bonding Requirements

- 6A-6-1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan or plat are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved plan or plat.
- 6A-6-2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to Claremont a form of surety satisfactory to the Town in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required storm water management facilities during the construction period.
- 6A-6-3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town.

6A-6-4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town. The Town may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

6A-6-5. After all required actions of the approved plan or plat have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Planning Commission, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Planning Commission may require a certificate of substantial completion from a Professional Engineer or Class IIIB Surveyor before making a final inspection.

6A-7. Exemptions

6A-7-1. Public Utilities

(A) Construction, installation, and maintenance by public agencies of water, sewer, and gas lines shall be exempt from this Article provided that:

- (1) to the degree possible the location of such utilities and associated facilities should be outside RPAs;
- (2) no more land shall be disturbed than is necessary to provide for the desired utility installation;
- (3) all such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable Federal, State, County, and Town permits and designed and conducted in a manner that protects water quality; and
- (4) any land disturbance exceeding an area of 2,500 square feet shall comply with the Erosion and Sediment Control Ordinance of Claremont.

(B) Exemptions for Silvicultural Activities

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its Best Management Practices Handbook for Forestry Operations.

(C) Exemptions for Water Wells, Passive Recreation Facilities and Historic Preservation and Archaeological Activities in RPAs

Exemptions from these requirements may be granted for the following land disturbances in RPAs: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Planning Commission that:

- (1) Any required permits, except those to which this exception specifically applies, shall have been issued;
- (2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and
- (3) The intended use does not conflict with nearby planned or approved uses.
- (4) Any land disturbance, excluding an area of 2,500 square feet, shall comply with the Erosion and Sediment Control Ordinance of Claremont.

6A-8. Nonconforming Use and Development Waivers

6A-8-1. Continuation of an Existing Lawful Use

It is not the intent of this Ordinance to prevent beneficial use or minor modification or alteration of structures legally existing prior to adoption of this Article. Additionally, it is not the intent of this Ordinance to prevent the practical use of lots or structures existing prior to adoption of this Article whose proximity to a RPA leaves insufficient area suitable for building outside the RPA, lack soil suitable

for reserve or alternate drainfields, or contain other factors which make the property practically unusable upon application of the requirements of this Article.

6A-8-2. Waivers may be granted in this regard by the Planning Commission in order to allow the beneficial use of property, and reasonable and appropriate conditions may be attached to the operating of the waiver in order to prevent water quality degradation, provided that:

- (A) Waivers granted shall be the minimum necessary to provide for buildable area or practical-beneficial use;
- (B) Facilities, to the extent practical, which are not water-dependent shall be located outside of a RPA;
- (C) Waivers granted shall cause no increase in nonpoint source pollution load;
- (D) Land disturbances in excess of 2,500 square feet shall comply with the Erosion and Sediment Control Ordinance of Claremont;
- (E) A waiver shall become null and void twelve months from the date of issue if, in the opinion of the Planning Commission, no substantial work has commenced.

6A-8-3. Application for a Development Waiver

An application for a waiver shall be made to the Planning Commission and include the following information:

- (A) name and address of applicant and property owner;
- (B) location map of site, legal description (tax map and parcel number) of the property, sketch of the parcel in question with dimensions;
- (C) location of existing and proposal buildings, site activities, and water supply and sewage systems;
- (D) location of the RPA boundary line delineation.

6A-9. Exceptions

6A-9-1. Request for Exception

A request for an exception to the requirements of this Article shall be made in writing to the Planning Commission. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment.

6A-9-2. Exception Review

The Planning Commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose of this Article if the Planning Commission finds:

- (A) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the CBPA;
- (B) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
- (C) The exception request is the minimum necessary to afford relief;
- (D) The exception request will be consistent with the purpose and intent of this Article, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (E) Reasonable and appropriate conditions are imposed which will prevent the exception from causing a degradation of water quality.

The Planning Commission will consider written and oral input from Town, County and State agencies and other interested parties, if solicited. An exception will become null and void twelve months from the date of issue if, in the opinion of the Planning Commission, no substantial work has commenced.

6A-10. Variance Appeal

6A-10-1. If the Planning Commission cannot make the required findings or refuses to grant an exception, the applicant may appeal by submitting a written application for review to the Board of Zoning Appeals ("Board") in accordance with Article 9 of this Ordinance. The Board shall hear the appeal as soon as practical after receipt of a complete application accompanied by the water quality impact assessment and the Planning Commission's written findings and rationale.

6A-10-2. In rendering its decision, the Board shall consider the water quality impact assessment and the findings and rationale of the Planning Commission and balance the hardship to the property owner with the purpose, intent, and objectives of this Article.

PROPOSED AMENDMENTS TO THE
SUBDIVISION ORDINANCE OF CLAREMONT, VIRGINIA

Page 2 Section 1-1 PURPOSE

Insert ", protect and enhance the water quality of the Chesapeake Bay as intended by the Chesapeake Bay Preservation Act" between "the community" and "and to promote" on line 5.

Pages 3-5 Section 2 DEFINITIONS

- 2-2A Best Management Practices (BMPs). A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
- 2-3A Chesapeake Bay Preservation Area (CBPA). Any land designated by the Town of Claremont pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01.1., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area (CBPA) shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).
- 2-21A Resource Management Area (RMA). That component of the Chesapeake Bay Preservation Area (CBPA) that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.
- 2-21B Resource Protection Area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
- 2-21C Resource Protection Area (RPA) Buffer. A 100-foot wide area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbances.

2-21D Resource Protection Area Delineator (RPA Delineator):
A person trained in wetland ecology, botany, agronomy,
hydrology and/or related fields with experience
delineating tidal and nontidal wetlands.

2-29-2 Add the following sentence at the end of this section:
"The requirements of this Ordinance and of Article 6A of
the Zoning Ordinance of Claremont, which relate to the
Chesapeake Bay Preservation District, shall be complied
with if the subject parcel is located within a Chesapeake
Bay Preservation Area.

Page 10 Add Section 5-2A COMPLIANCE WITH THE CHESAPEAKE BAY
PRESERVATION ACT

"Subdivisions proposed for sites within a Chesapeake Bay
Preservation Area shall comply with applicable
requirements of the Zoning Ordinance of Claremont,
Article 6A, Chesapeake Bay Preservation District."

Page 11 Add to Section 5-5-3 the following sentence to be
inserted immediately following the first sentence:

"Subdivisions located in designated Chesapeake Bay
Preservation Areas shall utilize best management
practices as required by Article 6A of the Zoning
Ordinance of Claremont and bonds as necessary shall be
provided for their construction and maintenance."

Page 11 Add to Section 5-6 the following to be inserted in line
5 between "highway engineer" and ", which bond": "and
the agent".

Page 18 Add to Section 6.8 the following sentence:

"All wetland permits required by law and all necessary
best management practices (BMP) maintenance agreements
ensuring proper maintenance of best management practices
must be on file with the agent before final plat approval
is granted."

Page 16

Add Section 6-3-10:

The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site, as well as the information specified in Section 6A.5.2 of the Zoning Ordinance of Claremont if the site is located within the Chesapeake Bay Preservation District.

Page 18

Add Section 6-7-10:

The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site if the site is located within the Chesapeake Bay Preservation District.

AN ORDINANCE OF CLAREMONT, VIRGINIA ENTITLED EROSION AND SEDIMENTATION CONTROL ORDINANCE, TO CREATE PROVISIONS FOR CONTROLLING EROSION AND SEDIMENTATION RELATING TO SUBDIVISIONS, SITE DEVELOPMENT, AND MISCELLANEOUS CLEARING AND GRADING OF NATURAL TERRAIN AND TO PROVIDE FOR PUNISHMENT FOR VIOLATIONS THEREOF.

SECTION 1. Purpose

An ordinance providing for, both during and following development, the control of erosion and sedimentation; of alleviating harmful and/or damaging effects of on-site erosion and siltation of neighboring downstream properties during and after development; and establishing procedures for the administration and enforcement of such controls.

SECTION 2. Scope of Application of Ordinance

This ordinance applies to any land disturbing activity, as defined, within or partly within the boundaries of Claremont.

SECTION 3. Application

No person shall engage in any land disturbing activity, until such person has had reviewed by and has had approved by the Claremont town Council or its duly designated agent, an erosion and sediment control plan for such land disturbing activity, except as provided for in Section 5 of this ordinance.

It is the intent of this ordinance to be an adjunct to both the Town's Subdivision and Zoning Ordinances wherein such apply to the development and subdivision of land within Claremont or as such

may apply to development on previously subdivided or developed land within Claremont.

SECTION 4. Definitions

SECTION

For the purpose of this ordinance, certain terms and words used herein shall be interpreted as follows:

1. "Governing Body" shall mean the Claremont Town Council.
2. "Administrator" shall mean the Mayor of Claremont or his duly appointed agent.

3. "Chesapeake Bay Preservation District" shall mean any land designated pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations and Section 10.1-2107 of the Chesapeake Bay Preservation Act. A Chesapeake Bay Preservation District shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

4. The Town Administrator's "duly appointed agent" means that person appointed by the Mayor to act for him or to assist him in the administration and enforcement of this ordinance. The agent may be appointed only with the prior approval of the Claremont Town Council.

5. "District or Soil and Water Conservation District" shall mean a governmental subdivision of the State organized in accordance with the provisions of the Soil Conservation Districts Law Title 21, Chapter 1, Code of Virginia as amended, (Peanut Soil and Water Conservation District).

6. "Clearing" shall mean any activity which removes the vegetative ground cover including but not limited to, removal of vegetative ground cover, root mat, and/or topsoil.

7. "Grading" shall mean any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

8. "Excavating" shall mean any digging, scooping or other methods of removing earth materials.

9. "Filling" shall mean any depositing or stockpiling of earth materials.

10. "Land Disturbing Activity" shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

(i) such minor land-disturbing activities as home gardens and individual home landscaping, repairs and maintenance work;

(ii) individual service connections including the installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

(iii) septic tank or drainage lines unless located within the Chesapeake Bay Preservation District or unless included in an

overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(iv) surface or deep mining;

(iva) exploration or drilling for oil and gas including the well site, roads and off-site disposal areas;

(v) neither shall it include tilling, planting or harvesting of agricultural, horticultural or forest crops;

(vi) construction, repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(vii) preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development or unless within the Chesapeake Bay Preservation District;

(viii) disturbed land areas of less than ten thousand (10,000) square feet in size; provided, however, that Town Council may reduce this exception to a smaller area of disturbed land and/or qualify the conditions under which this exception shall apply; or disturbed land areas of less than twenty-five hundred (2,500) square feet in size within the Chesapeake Bay Preservation District;

(ix) installation of fence and signed posts or telephone and electric poles and other kinds of posts or poles;

(x) shore erosion control projects on tidal waters recommended by the soil and water conservation districts in which

the projects are located or approved by the Virginia Marine Resources Commission;

(xi) emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the Administrator.

11. "Land Disturbing Permit" shall mean a permit issued by the Administrator for clearing, filling, excavating, or any combination thereof.

12. "Plan" or "Erosion and Sedimentation Control Plan" shall mean a document containing material for the conservation of soil and water resources of a unit or a group of land units. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The "Plan" shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

13. "Transporting" shall mean any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

SECTION 5. Plan Submission

Four (4) copies of the erosion and sediment control plan shall be submitted to the Administrator.

SECTION 6. Inspection and Enforcement, Fees

Inspection and enforcement of this ordinance shall rest with the Administrator and/or his duly appointed agent. Town Council may establish a reasonable fee to defray the cost of program administration, including costs associated with the issuance of grading or land disturbing permits, plan review, and periodic inspection for compliance with erosion and sediment control plans if changes for such costs are not made under any other law, ordinance or program. The fee shall not exceed any amount commensurate with the services rendered, taking into consideration the time, skill, and Administrator's expense involved or one thousand dollars (\$1,000.00), whichever is less.

SECTION 7. Erosion and Sedimentation Control Plan

The erosion and sedimentation control plan required by this ordinance shall be submitted to the Administrator and shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

As a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 6 of the Virginia Erosion and Sediment Control Handbook, and as may be amended from time to time,

which by reference is adopted as part of this ordinance. A copy of the Handbook, with any amendments thereto, is on file in the Claremont Town Hall, and shall be available for inspection during working hours.

Approved standards and specifications for control techniques to be utilized in preparing this plan are set forth in Chapter III of the current Virginia Erosion and Sediment Control Handbook and as may be amended, from time to time, which by reference, are adopted as a portion of this ordinance.

SECTION 8. Approval

Any erosion and sedimentation plan submitted under the provisions of this ordinance which is deemed to be complete shall be acted on in forty-five (45) days from receipt by either approving or disapproving in writing and giving specific reasons for disapproval. If no formal action has been taken by the Administrator or his duly appointed agent in forty-five (45) days after receipt of plan, the plan shall be deemed approved.

SECTION 9. Certification: Bonding of Performance

All control measures required by the provisions of this ordinance shall be undertaken at the expense of the owner or his agent; and pending such actual provision thereof, the owner or his agent shall execute and file with the Administrator, prior to issuance of the Land Disturbing Permit an agreement and bond (or agreements and bonds) in an amount determined by the Administrator

PROPOSED AMENDMENT TO
THE CLAREMONT
COMPREHENSIVE PLAN RELATIVE
TO THE IMPLEMENTATION OF THE
CHESAPEAKE BAY PRESERVATION ACT

FEBRUARY, 1991

Submitted by:

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PROPOSED AMENDMENT

#1

PAGE 19

1. VA Chesapeake Bay Local Assistance Board enacted the Chesapeake Bay Preservation Area Designation and Management Regulations in September 1989, which were readopted in November 1990.

PROPOSED AMENDMENT - NEW OBJECTIVE AND
POLICY TO FOLLOW HISTORIC PRESERVATION

#2

PAGE 24

Environmental Protection

Objective: Sensitive lands at or near shorelines that have intrinsic water quality value due to the ecological and biological processes they perform should be protected from the adverse effects of indiscriminate land development patterns and practices.

Policy:

Adopt local ordinances implementing the Chesapeake Bay Preservation Act.

equal to the approximate total cost of providing erosion and sedimentation control improvements with surety approved by Town Council, guaranteeing that the required control measures will be properly and satisfactorily undertaken.

Within sixty (60) days of the completion of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent or terminated, as the case may be.

SECTION 10. Issuance of Land Disturbing Permit

No person shall engage in any land disturbing activity as defined in Section 4.9 of this Ordinance with the Town of Claremont until he has acquired a land disturbing permit.

Issuance of a land disturbing permit is conditioned upon an erosion and sediment control plan having been submitted to the Administrator which has been approved. Additionally, the applicant shall comply with the requirements of Section 9 of this Ordinance concerning a performance bond, cash escrow, letter of credit, any combination thereof, or other such legal arrangement as is acceptable to Town Council prior to the issuance of this permit.

SECTION 11. Inspection

The Administrator or his duly appointed agent shall provide for and carry out periodic inspection of the land disturbing activity for which a permit has been issued to ensure compliance

with the approved plan and to determine whether the measures required in the plan are effective. The Administrator or his agent is provided right-of-entry for purposes of inspection. If it is determined that the permittee has violated the terms of the plan or that the plan is ineffective, the Administrator shall immediately serve upon the permittee, at his last shown address by registered or certified mail, a notice to comply, setting forth the alleged violations and the time allotted for compliance. If the permittee fails to bring his activity into compliance with requirements within the time allotted, his permit may be revoked and he shall be deemed to be in violation of this ordinance.

SECTION 12. Amendment

An approved erosion and sedimentation plan may be amended by the Administrator if on-site inspection indicates that the approved control measures are not effective in controlling erosion and sedimentation or because of changed circumstances, the approved plan cannot be carried out; provided such amendments are agreed to by persons responsible for carrying out the plan.

SECTION 13. Administrative Appeal: Judicial Review

All final decisions of the Administrator under this ordinance shall be subject to review by the Claremont Town Council, provided an appeal is filed within thirty (30) days from the date of any written decision by the Administrator.

Final decisions of the Town Council under this ordinance shall be subject to review by the Surry Circuit Court, provided an appeal is filed within thirty (30) days from the date of the final written decision of Town Council.

SECTION 14. Penalties, Injunctions, and Other Legal Actions

A violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty (30) days imprisonment, either one or both, for each violation or both.

Each day's violation of this ordinance shall be deemed a separate offense.

SECTION 15. Severability

Should any provision of this ordinance be held to be unconstitutional or invalid, such declaration shall not affect or impair the remainder of this ordinance.

PROPOSED AMENDMENT TO
THE CLAREMONT
COMPREHENSIVE PLAN RELATIVE
TO THE IMPLEMENTATION OF THE
CHESAPEAKE BAY PRESERVATION ACT

FEBRUARY, 1991

Submitted by:

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PROPOSED AMENDMENT

#1

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1. VA Chesapeake Bay Local Assistance Board enacted the Chesapeake Bay Preservation Area Designation and Management Regulations in September 1989, which were readopted in November 1990.

PROPOSED AMENDMENT - NEW OBJECTIVE AND
POLICY TO FOLLOW HISTORIC PRESERVATION

#2

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Environmental Protection

Objective: Sensitive lands at or near shorelines that have intrinsic water quality value due to the ecological and biological processes they perform should be protected from the adverse effects of indiscriminate land development patterns and practices.

Policy:

Adopt local ordinances implementing the Chesapeake Bay Preservation Act.

